

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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METLIFE LIFE AND ANNUITY COMPANY  
OF CONNECTICUT,

Plaintiff,

**DEFENDANT  
DELIO'S  
PROPOSED  
JURY  
INSTRUCTONS**

-against-

ANA NICOLE DELIO; ZACHARY FARRELL  
SOBIE; BRIAN SOBIE, individually, as TRUSTEE  
Of the ZACHARY FARRELL SOBIE GRANDCHILD  
TRUST, and as CO TRUSTEE of the ANA NICOLE  
DELIO GRANDCHILD TRUST; and MICHAEL  
MENDELSON as CO TRUSTEE OF THE ANA  
NICOLE DELIO GRANDCHILD TRUST

**07 Civ 7215  
(KARAS, J.)**

Defendants

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Defendant, Ana Nicole Delio, by her attorney, James R. Carcano Esq., proposes  
the following jury instructions:

**Charges Prior to Trial:**

1. New York PJI 1:1
2. PJI 1:2 modified for the facts/parties of this interpleader case.
3. PJI 1:3
4. PJI 1:4
5. PJI 1:5
6. PJI 1:6
7. PJI 1:7

8. PJI 1:8
9. PJI 1:9
10. PJI 1:11
11. PJI 1:12
12. PJI 1:13
13. PJI 1:13 A if alternate jurors are seated.
14. PJI 1:14

**Charges After Trial:**

15. PJI 1:20
16. PJI 1:21
17. PJI 1:22
18. PJI 1:23 modified to the facts/parties of this interpleader case
19. PJI 1:24
20. PJI 1:25
21. PJI 1:25A
22. PJI 1:26
23. PJI 1:27
24. PJI 1:28
25. PJI 1:29
26. PJI 7:40
27. PJI 7:31B adapted to Special Verdict Sheet (enclosed)
28. New York State Insurance Law section 3204 (a)(3) (enclosed)

29. Charge based on McCarthy v. Aetna Life Ins. Co., 92 NY 2d 436, 681 NYS 2d 790, 704 NE 2d 557: “The controlling consideration as to whether a change of beneficiary has been effectuated is whether there has been substantial compliance with the terms of the policy.” See also, Lincoln Life and Annuity Company of New York v. Caswell attached herein.

**Proposed Special Verdict Sheet:**

Question 1:

Is the Ana Nicole Delio Grandchild Trust a beneficiary of the Estelle Sobie annuity policy issued by MetLife Life and Annuity Company of Connecticut?\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If your answer is yes, what percentage does the Ana Nicole Delio Grandchild Trust receive?\_\_\_\_\_%

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Question 2:

Is the Zachary Farrell Sobie a beneficiary of the Estelle Sobie annuity policy issued by MetLife Life and Annuity Company of Connecticut?\_\_\_\_\_

_____	_____
_____	_____
_____	_____

If your answer is yes, what percentage does the Zachary Farrell Sobie Grandchild Trust receive?\_\_\_\_\_%

_____	_____
_____	_____
_____	_____

Question 3:

Is Brian Sobie a beneficiary of the Estelle Sobie annuity policy issued by MetLife  
Life and Annuity Company of Connecticut?\_\_\_\_\_

_____	_____
_____	_____
_____	_____

If your answer is yes, what percentage does Brian Sobie  
receive?\_\_\_\_\_%

_____	_____
_____	_____
_____	_____

Dated: Larchmont, New York  
April 9, 2008

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